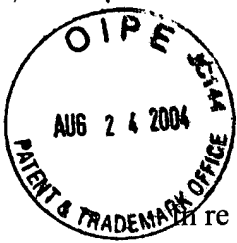


EPW

1842-0018



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Johnson et al.)
Application No.: 10/624,066) Examiner: Not yet assigned
Filed: July 21, 2003) Art Unit: 3732
TISSUE DISTRACTION DEVICE) August 20, 2004

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants had previously submitted a Second Preliminary Amendment dated July 19, 2004. A Notice of Non-Compliant Amendment was lodged on the grounds that an improper status identifier had been used. Specifically, Applicants designated certain claims as "Previously Added", rather than as "Previously Presented". This status identifier language has been corrected with the complete listing of claims in the following pages.

This Response is being filed within one month of the notice date (which expires on September 4, 2004). It is believed that no fees are necessary since the additional claim fees had been paid with the original submission. However, the Commissioner is authorized to credit any overpayment or deduct any additional amounts from Deposit Account 13-0014.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on August 20, 2004.

Michael D. Beck
Name of person mailing Document or Fee

Michael D. Beck
Signature

20 AUGUST 2004
Date of Signature